

**Exemption No. 5567**

**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
RENTON, WASHINGTON 98055-4056**

In the matter of the petition of

**AMERICAN TRANS AIR**

**Regulatory Docket No. 27071**

for an exemption from § 121.310  
(f)(3)(iii) of the Federal  
Aviation Regulations

**PARTIAL GRANT OF EXEMPTION**

By letter of November 25, 1992, Mr. Rick Shellnut, Director of Engineering and Quality Assurance, American Trans Air, Box 51609, Indianapolis International Airport, Indianapolis, Indiana, 46251-0609, petitioned for exemption from § 121.310(f)(3)(iii) of the Federal Aviation Regulations (FAR) to permit operation until December 29, 1992, of airplanes having Type III exits that have not been shown to comply with the placarding requirements of § 25.813(c)(3).

**Section of the FAR affected:**

Part 121 prescribes rules governing the certification and operations of air carriers, air travel clubs, and certain operators for compensation and hire. Section 121.310 of that part contains, in part, standards for access to emergency exits. Paragraph (f)(3)(iii) of that section, as amended by Amendment 121-228, requires that after December 3, 1992, airplanes type certificated after January 1, 1958, must meet the requirements of § 25.813(c), effective June 3, 1992. Section 25.813(c), in addition to requiring improved access to Type III exits, also requires, in paragraph (c)(3), the installation of placards at Type III exits. These placards are intended to inform passengers how to open the exit in an emergency.

**The petitioner's supportive information is as follows:**

In accordance with the provisions of §§ 121.310(f)(3)(iv) and 121.310(f)(3)(v), American Trans Air submitted a letter dated July 23,

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1992, requesting certain deviations involving emergency exit access. In that letter, American Trans Air expressed the expectation that the placards would be installed by the required compliance date. In a subsequent American Trans Air letter dated October 22, 1992, sent in response to the FAA's reply letter of September 30, 1992, American Trans Air indicated that the placards might be installed by mid-February, 1993. American Trans Air stated that this extension was necessary to allow time to consider how to implement the requirement that the placards provide instructions where to place the hatch after removal from the exit. In the FAA's response letter of November 16, 1992, which continued to address the other requested deviations associated with exit access, American Trans Air was advised that a request for deviation from the compliance time for installation of the required placards may not be processed under the provisions of § 121.310(f)(3)(v), and that if those installations could not be accomplished by December 3, 1992, a petition for exemption should be submitted. American Trans Air subsequently submitted a letter dated November 25, 1992, requesting "relief" from the placard installation requirements until December 29, 1992, due to a placard delivery schedule of December 10, 1992, which was delayed by confusion regarding hatch placement after removal. American Trans Air was again advised, by telephone on November 25, 1992, that a petition for exemption was required, which was then received that same day.

Accordingly, American Trans Air requests that exemption from the placard requirements of §§ 121.310(f)(3)(iii) and 25.813(c)(3) be granted effective December 3, 1992, and continue in effect until December 29, 1992. Additionally, they request that the publication and comment requirements of § 11.27(c) be waived, in accordance with the provisions of § 11.27(j)(3).

American Trans Air believes that not granting the petition would affect service to the flying public, and that the currently-provided seatback safety briefing cards plus passenger briefings given before flight provide for an equivalent level of safety.

The FAA finds, for good cause, that action on this petition should not be delayed by publication and comment procedures for the following reasons: (1) a grant of exemption would not set a precedent in that it is for a time extension from a requirement and not permanent relief from the requirement and therefore would not create a public safety issue, and (2) delay on acting on the petition would be disruptive to the flying public and create a major economic burden on the operator.

**The Federal Aviation Administration's analysis/summary is as follows:**

The petitioner's request is for temporary relief from the compliance date mandated in § 121.310(f)(3)(iii) for accomplishment of the placarding provisions of § 25.813(c)(3). The necessity for the petition is based on a placard delivery date that is past the compliance deadline for installation of those placards.

In reviewing the available information, the FAA is not convinced that the petitioner has made its best effort to modify the affected airplanes in a reasonably expeditious manner. Note is made of the ample period of time from May 4, 1992, when the rule was published in the Federal Register, to the December 3, 1992, deadline for designing, procuring, and installing the required placards. Although the operator has brought about the need for this exemption through its own delays, the FAA nevertheless finds that it is in the public interest to grant the petition because the alternative

would be to ground the operator's aircraft and subject the public to an unacceptable degree of inconvenience.

With respect to the duration of the extension, however, the petitioner is proposing to allow almost three weeks from the placard delivery date to install the required placards on the eleven affected airplanes in its fleet. The FAA considers that eight days from the anticipated placard delivery date of December 10, 1992, is ample time to install the placards, including schedule slippage, etc.

In consideration of the foregoing, I find that a partial grant of exemption is in the public interest and will not adversely affect the level of safety provided by the regulations. Therefore, pursuant to the authority contained in §§ 313(a) and 601(c) of the Federal Aviation Act of 1958, delegated to me by the Administrator (14 CFR 11.53), an exemption is hereby granted to American Trans Air to permit operation from December 3, 1992, until December 18, 1992, of airplanes that do not comply with the placarding provisions of §§ 121.310(f)(3)(iii) and 25.813(c)(3), after which time the placards must be installed in order to be eligible for continued operation under the provisions of Part 121.

Issued in Renton, Washington, on December 3, 1992.

/s/ Ronald T. Wojnar, Manager  
Transport Airplane Directorate  
Aircraft Certification Service